

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MATTHEW FAISON, JR.	:	CIVIL ACTION
ON BEHALF OF HIMSELF AND ALL	:	
OTHER SIMILARLY SITUATED	:	
	:	
v.	:	
	:	
BANK OF AMERICA	:	
VICE-PRESIDENT, <u>et al.</u>	:	NO. 11-2758

M E M O R A N D U M

SLOMSKY, J.

APRIL , 2011

Plaintiff, an inmate, is seeking to bring a civil action without prepayment of fees. Pursuant to 28 U.S.C. § 1915(g), a prisoner who on three or more prior occasions while incarcerated has filed an action in a federal court that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, must be denied in forma pauperis status unless he was in imminent danger of serious physical injury at the time that the complaint was filed. Abdul-Akbar v. McKelvie, 239 F.3d 307 (3d Cir.), cert. denied, 533 U.S. 953 (2001).

There are no allegations in plaintiff's complaint that would suggest that he was in imminent danger of serious physical injury at the time that this action was filed. Furthermore, prior to the filing of the instant case, plaintiff filed three or more actions, which were dismissed as frivolous or for failure to state a claim upon which relief may be granted.¹

¹ By Order filed May 24, 2002, the United States District Court for the Northern District of California, in Civil Action No. 02-2064, dismissed plaintiff's complaint without leave to amend, citing Neitzke v. Williams, 490 U.S. 319, 328 (1989). In the United States District Court for the Middle District of

Accordingly, plaintiff's motion to proceed in forma pauperis will be denied.

Florida, in Civil Action No. 01-690, the Court dismissed plaintiff's complaint as frivolous by Order dated December 28, 2001. In Civil Action No. 99-1182, the United States District Court for the Middle District of Florida dismissed plaintiff's complaint for failure to state a claim upon which relief may be granted by Order dated December 3, 1999.